

1 M. Benjamin Eichenberg (Bar No. 270893)
2 Nicole C. Sasaki (Bar No. 298736)
3 SAN FRANCISCO BAYKEEPER
4 1736 Franklin Street, Suite 800
5 Oakland, California 94612
6 Telephone: (510) 735-9700
7 Facsimile: (510) 735-9160
8 Email: chris@baykeeper.org
9 Email: ben@baykeeper.org
10 Email: nicole@baykeeper.org

11 Attorneys for Plaintiff
12 SAN FRANCISCO BAYKEEPER

13 Molly Coyne (Bar No. 312914)
14 PAUL HASTINGS, LLP
15 101 California St., 48th Floor
16 San Francisco, California 94111
17 Telephone: (415) 856-7000
18 Facsimile: (415) 856-7100
19 Email: mollycoyne@paulhastings.com

20 Attorney for Defendants
21 Air Products Manufacturing Corporation; and Air
22 Products and Chemicals, Inc.

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 SAN FRANCISCO BAYKEEPER, a non-
27 profit corporation,

28 Plaintiff,

vs.

AIR PRODUCTS MANUFACTURING
CORPORATION; and AIR PRODUCTS AND
CHEMICALS, INC.,

Defendants.

Case No. 3:19-cv-07518-RS

**STIPULATION TO EXTEND TIME TO
RESPOND TO COMPLAINT AND TO
CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE;
ORDER**

1 Pursuant to Civil Local Rule 7-12, the parties, Plaintiff, San Francisco Baykeeper, and
2 Defendants, Air Products and Chemicals, Inc., and Air Products Manufacturing Corporation
3 (collectively, “Defendants”), by and through their respective counsel, stipulate and request that
4 the court enter an order extending defendant’s time to file an answer or other responsive pleading
5 by 25 days. The parties state as follows:

6 1. Plaintiff filed its complaint on November 14, 2019.

7 2. On January 6, 2020, Defendants received by certified mail a copy of the summons
8 and the complaint, making March 6, 2020, the deadline for Defendants to answer or otherwise
9 respond to the complaint.

10 3. On January 21, 2020, based upon the parties’ belief that an early settlement in the
11 matter was possible, the parties filed a Stipulation to Extend Time to Respond to Complaint and
12 to continue the Initial Case Management Conference. ECF 7. The parties agreed that the initial
13 case management conference would be continued from February 19, 2020 to April 20, 2020 and
14 the deadline for Defendants to answer or otherwise respond to the complaint would be continued
15 to May 5, 2020. The stipulation was granted by Judge Nathanael Cousins on January 1, 2020.

16 4. On January 23, 2020, the case was reassigned to Judge Richard Seeborg. On
17 January 27, 2020, Judge Seeborg rescheduled the initial case management conference for 10:00
18 AM on April 23, 2020. ECF No. 14.

19 5. On April 8, 2020, the parties filed their Second Stipulation to Extend Time to
20 Respond to Complaint and to Continue the Initial Case Management Conference. On April 13,
21 2020, Judge Seeborg rescheduled the initial case management conference for 10:00 AM on July
22 23, 2020, and set the deadline to respond to the complaint to August 3, 2020. ECF No. 21.

23 6. On July 9, 2020, the parties filed their Third Stipulation to Extend Time to
24 Respond to Complaint and to Continue the Initial Case Management Conference. On July 9,
25 2020, Judge Seeborg rescheduled the initial case management conference for 10:00 AM on
26 September 24, 2020, and set the deadline to respond to the complaint to September 17, 2020.
27 ECF No. 25.
28

1 7. The parties have since conferred extensively and are very close to reaching a
2 resolution. However, the parties require additional time to finalize their settlement.

3 8. The parties do not wish to incur further fees in preparing or opposing dispositive
4 motions at this time given the imminence of settlement, and do not wish to cause the Court to use
5 its time in considering motions that may be obviated by an early settlement. In an effort to resolve
6 this matter without further litigation, the parties desire to continue negotiating in good faith to
7 resolve the remaining issues and anticipate reaching a final settlement in this action within an
8 additional twenty-five (25) days.

9 9. Plaintiff and Defendants are therefore in agreement that Defendants' date to file an
10 Answer or other pleading responsive to the Complaint be extended by approximately 25 days, to
11 October 12, 2020.

12 10. By Order dated July 9, 2020, the Court set an initial case management conference
13 at 10:00 AM on September 24, 2020. ECF No. 25. The parties further stipulate to continue the
14 initial case management conference from September 24 to October 19, 2020, or as soon thereafter
15 as the Court is available.

16 (a) Further deadlines shall correspond to the new Case Management Conference
17 date, such that: The Parties' ADR certifications and stipulations to ADR
18 process or notices of need for an ADR phone conference shall be due one week
19 before the Case Management Conference.

20 (b) The Parties' Rule 26(f) Report and Joint Case Management Statement shall be
21 due one week before the Case Management Conference.

22 11. This change will not alter the date of any other event or deadline already fixed by
23 Court order, other than the date of the initial case management conference.

24 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Defendants
25 that Defendants will have until October 12, 2020 to respond to Plaintiff's complaint. The parties
26 further respectfully request that the initial case management conference be continued to October
27 19, 2020.

SO STIPULATED

DATED: September 2, 2020

Respectfully submitted,

SAN FRANCISCO BAYKEEPER

By: /s/ M. Benjamin Eichenberg
M. Benjamin Eichenberg

Attorney for Plaintiff
San Francisco Baykeeper

DATED: September 2, 2020

PAUL HASTINGS LLP

By: /s/ Molly Coyne
Molly Coyne

Attorney for Defendants
Air Products Manufacturing Corporation; and
Air Products and Chemicals, Inc.

ECF ATTESTATION

In accordance with Civil Local Rule 5(i)(3), I, Molly Coyne, attest that I have obtained concurrence in the filing of this document from the other signatory listed here.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Defendants are to answer or otherwise respond to Plaintiff's complaint by October 12, 2020. The initial case management conference will be held on October 19, 2020 at 10:00 AM. The parties shall file a joint case management statement seven days prior to the conference. All parties shall appear telephonically and must contact Court Conference at (866) 582-6878 at least one week prior to the Conference to arrange their participation.

DATED: September 2, 2020

By: 
Hon. Richard Seeborg
United States District Court Judge